

Disclaimer

These minutes reflect the actions taken by the Commission during its March 14, 2008 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on March 28, 2008.

PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

Minutes

March 14, 2008

Commissioners Present

Candace Ashmun, William Brown, Leslie M. Ficcaglia, Paul E. Galletta, John A. Haas, Robert Hagaman, Daniel M. Kennedy, Stephen Lee, Edward Lloyd, Robert McIntosh, Norman F. Tomasello, Francis A. Witt, and Chairperson Betty Wilson. Also present were Executive Director John C. Stokes and Deputy Attorney General Valerie Haynes.

Commissioners Absent

Guy Campbell

Chairperson Wilson called the meeting to order at 9:35 a.m.

Deputy Attorney General Haynes read the Open Public Meetings Act Statement.

Mr. Stokes called the roll.

The Commission and public in attendance pledged allegiance to the Flag.

Minutes

Chairperson Wilson presented the February 8, 2008 open and closed session Commission meeting minutes. Commissioner Witt moved the adoption of the minutes. Commissioner Lee seconded the motion. The Commission adopted the minutes by a vote of 9 to 0. Commissioner

Ficcaglia abstained from voting since she was not present for that meeting. Commissioners Hagaman, Kennedy, and McIntosh were not present for the vote.

Committee Chairs' and Executive Director's Reports

CMP Policy and Implementation Committee Meeting

Chairperson Wilson reported that the CMP Policy and Implementation Committee met on February 29, 2008 and adopted the minutes of the January 25, 2008 meeting.

The Committee discussed the February 28 press conference announcing the wildfire safety initiative being undertaken jointly with the NJ Forest Fire Service in Barnegat and Stafford Townships.

The Committee recommended Commission certification of stormwater management plans and ordinances, in response to 2006 CMP amendments, submitted by the following municipalities: Dennis and Stafford Townships and Folsom and Wrightstown Boroughs.

The Committee reviewed potential clustering principles for the Forest and Rural Development Areas. The Committee asked for additional information including that related to the Pinelands Protection Act, land stewardship, deed restrictions, and the relevance of a farmland conservation plan as an appropriate mechanism for limiting the expansion of existing agricultural activities in association with clustered development.

Personnel and Budget Committee Meeting

Commissioner Ficcaglia reported that the Committee met on March 6, 2008 and adopted the minutes from the January 31, 2008 meeting.

The Committee reviewed the following resolutions:

To Authorize the Executive Director to Accept a Grant from the U.S. Environmental Protection Agency to Conduct a Study titled "The Effectiveness of Upland Buffer Zones in Mitigating the Impact of Suburbanization on the Integrity of Wetland Communities." Dr. Robert Zampella provided background information on this study. He stated that the Science Advisory and Science Committees previously reviewed the grant proposal. After some discussion regarding the funding, the Committee unanimously recommended Commission approval of the resolution.

To Authorize the Executive Director to Enter into a New Cooperative Agreement with the National Park Service for Pinelands Monitoring. Donna Connor stated that this is the 4th Cooperative Agreement with the NPS in support of this long term monitoring program. She provided information pertaining to this year's funding of \$267,300 and the balance remaining from the previous cooperative agreement. After the discussion, the Committee unanimously recommended Commission approval of the resolution.

To Adopt a Revised Fiscal Year 2008 Pinelands Commission Operating Budget. Donna Connor reviewed the revisions to the Operating Budget highlighting the proposed changes to the revenue and expenditure accounts. She stated that the budget is being reduced in total and, although unlikely, a draw from the Commission's fund balance may be needed to offset the fiscal year-end expenditures. She discussed some recent reductions made to this budget resulting from the announcement of the Governor's recommended appropriation for the Commission being cut by 23%. She also pointed out that three of the budget notes will give contracting authorization in excess of \$29,000 to the Executive Director. After the discussion, the Committee unanimously recommended Commission approval of the resolution.

Mr. Stokes discussed the application fees. He indicated that he had analyzed application fee rates and was recommending changes. He reviewed the changes and compared those rates with rates charged by DEP. His recommended changes were discussed in detail with the Committee members who requested a few changes be made. The Committee asked John to prepare a formal recommendation for the next meeting.

The check register and electronic funds transfer disbursements and employee actions for February 2008 were discussed.

Mr. Stokes provided an update on Fenwick Manor renovations, stating that although the NJ Building Authority is ready to begin the bid process for the barn renovations, he would like to put a temporary hold on the project because of uncertainty with the Commission's FY 2009 financial situation. The Committee agreed.

Ms. Connor provided an update on application fees. She stated that February fees were still on the low side but that a large fee was received in early March.

The public provided comments concerning the proposed application fees for a single family dwelling.

The Committee held a closed session and was provided with an update on contract negotiation sessions with the CWA, Local 1040.

Commissioner Kennedy arrived at the meeting at this time.

Permanent Land Protection Committee Meeting

Commissioner Ashmun reported that the Permanent Land Protection Committee met on February 8, 2008. The Committee received an update from Michael Catania and Jon Wagar from Conservation Resources, Inc., regarding the upcoming Conservation Fund acquisition projects and negotiations. This was held in closed session. The next meeting is scheduled for March 28. She said that one of the items on that agenda will be for the Committee to discuss how to proceed with wording of easements and the stewardship of those easements.

Public and Governmental Programs Committee Meeting

Commissioner Lee reported that the Public and Governmental Programs Committee met on February 25, 2008 and reviewed comments the staff intended to make on rule proposals. The NJ Council on Affordable Housing (COAH) previously adopted rules that were legally challenged and overturned. As a result, COAH is proposing new rules. These new rules address the potential affordable housing need in NJ between 2004 through 2018. Larry Liggett provided the Committee with an overview of the changes to the rules and the Commission's proposed comments. Commission staff suggested that the proposed COAH rules be revised to specify the Pinelands management areas that could be excluded from available vacant land calculations. Only Regional Growth Areas, Pinelands Towns and Villages and Rural Development Areas should be included in the affordable unit obligation calculation. Commission staff also recommended that COAH units should be exempted from any PDC obligation. Commission staff would be submitting its comments regarding the proposed rules to the COAH before the March 22, 2008 comment deadline.

The Committee also discussed NJDEP's proposal for recycling rule amendments. The Commission will advise NJDEP that although a material may meet the NJDEP's definition of "clean fill" or "uncontaminated material" it may not meet the CMP's anti-degradation water quality standards.

The Committee reviewed NJ Assembly Bill #823 which proposes regulations about outdoor recreational vehicles. The Bill included a registration requirement, a provision for NJDEP to designate legal areas for their use, penalties for improper use and an obligation for the NJ Motor Vehicle Commission to develop ATV safety programs and requirements. Commission staff will continue to track the Bill's progress and will consider expressing support for the Bill at an appropriate time.

The Committee received an update on the Atlantic City Airport MOA where the FAA required the mowing of grassland habitat that had previously been designated for protection under the Commission's MOA. Commission staff continues to work with SJTA to identify a resolution to the matter.

The Committee also discussed the Robert J. Miller Airpark MOA. Commission staff met with Ocean County representatives on February 19, 2008 to discuss the January 25, 2008 Commission staff review letter to Ocean County regarding the proposed MOA. Ocean County plans to respond to the Commission's letter and appear before the Committee at its March meeting.

The Committee received an update on the proposed Garden State Parkway widening MOA regarding the secondary impacts analysis. The Commission responded to comments by the New Jersey Turnpike Authority. The Committee also discussed the stormwater management standards. Commission staff had expressed concern regarding NJTA's methodologies used to demonstrate consistency with stormwater management standards. NJTA is currently redesigning its stormwater sampling protocol and stormwater management plan to demonstrate consistency with CMP standards. The Committee and staff are also working with NJTA on a potential offset site for mitigation.

Pinelands Short Course

Commissioner Haas reported on the Pinelands Short Course held March 1, 2008 at Burlington County College. He said that the event was a huge success and there was a record crowd of 600 people. He said that Commission staff and Burlington County College staff worked hard to ensure that this program went very smoothly and participants said that the event was well organized. He thanked Commission staff Paul Leakan and Joel Mott and the staff at Burlington County College for doing an outstanding job on the program.

Chairperson Wilson concurred with Commissioner Haas indicating that a great job was done on this event.

Chairperson Wilson indicated that the Science Committee report will be given when Commissioner McIntosh arrives.

Executive Director's Report

Mr. Stokes reported on the following items:

Stacey Roth has been invited to attend a state agency meeting to discuss the state's response to the Federal Energy Regulatory Commission's national corridor designation. This is a group of agencies including DEP, Highlands Council, BPU, Meadowlands Commission and the Pinelands Commission.

The Pinelands Municipal Council met this week and announced the results of its elections and installed its officers for the coming year, Chuck Chiarello was reelected Chair, William Pikolycky was reelected Vice Chair, Joseph Kuehner was reelected Treasurer, Tony Mazzella was reelected Secretary and Tabernacle Township Committee person, Richard Franzen was elected member at large.

Due to budget concerns, Mr. Stokes has put a temporary hold on the Commission's barn renovation. Although the plans have been signed and are ready for bid, bids will not be sought until the Commission has a better sense of what its budget situation will be.

The Management Report notes an effort for the Commission to join with EPA and others to conduct a seminar on innovative ways to close landfills. This was tentatively scheduled for the spring but Mr. Stokes has asked that this seminar be postponed until fall until the Commission knows what its budget situation will be.

Mr. Stokes echoed Commissioner Haas' comments on the Pinelands Short Course stating that 450 attendees last year was a record and that number was exceeded by 1/3 this year. He acknowledged Mr. Leakan and Mr. Mott's work on this event as well as the work they did on the road signs which are now up, the fire safety event held in Barnegat Township, and the National Park Service Unigrid Brochure on the Pinelands.

Mr. Leakan passed around a board containing a mock-up of the brochure for the Commission's information.

Chuck Horner reported on the following items:

Staff met with the Mayor of Woodland Township last week to discuss a road project that the Township has an interest in. The Township officials wanted to know whether it made more sense to complete the design for the entire road project, rather than submitting it piecemeal and whether or not the Commission's approval has a time limitation in the event the Commission's regulations change. Staff indicated that once the Commission approves a public development project, there is no time limit on that approval.

Staff processed the final permit on the application for a CVS Drug Store to be located on Route 206 in Tabernacle Township. This is the first commercial application that is proposing to use an alternate design septic system which allows non residential development on a smaller lot.

Staff has scheduled a meeting with Phoenix Materials, a mining applicant in Little Egg Harbor Township, Ocean County on County Route 539. This is a company that is involved in a lawsuit about the fire that occurred in Ocean County last year. Staff is meeting with this applicant on a number of issues concerning the mining application.

Mr. Horner indicated that he will be introducing a member of the Commission's project review staff at each upcoming meeting. He introduced Jean Montgomerie to the Commission.

Ms. Montgomerie stated that she has worked for the Commission for 14 years, the last 7 of which were part time. She said that she has a Master's Degree from Rutgers in Camden in Biology.

Mr. Larry Liggett reported on the following items:

Staff reviewed the draft wastewater planning rules that the state is hoping to introduce on Earth Day. Mr. Larry Byers has reached out to Commission staff again to have a second meeting to try and coordinate everyone's efforts and to ensure that everyone is on the same page.

Buena Borough is making some progress on its land application site. The Borough has hired a resource planner and they have plowed the site as part of their cultural resource evaluation.

Buena Vista Township has filed deed restrictions with the County on the land that is required under the MOA. The Township also received its first allocation of wastewater from Buena Borough.

Staff is looking at transitioning how staff handles map services internally. For years staff has been using ARCVIEW with 5 or 6 licenses being shared among 20 people. Staff will be adding a map services feature onto the Commission's PCIS system. At some point this could go on the internet, offering map services and a variety of layers and analysis to the public.

Commissioner Lee asked if there were any comments or problems with the Ancora MOA.

Mr. Stokes replied that there are not any problems with the MOA; it is just a matter of going through the process. Earlier this week, DEP signed off on the agreement. He asked Ms. Young to comment on the Ancora meeting that has been scheduled.

Ms. Karen Young said that a meeting was scheduled but had to be canceled. The meeting has been rescheduled for next week to discuss the status of the landfill on the Ancora site and to review monitoring information.

Commissioner Lloyd asked if the wastewater management plan rules that are scheduled for Earth Day will happen on Earth Day.

Mr. Liggett replied that this is DEP's goal. He said that DEP have been working with all the Counties to get their plans in place so when that occurs it will all fit together.

Commissioner Lloyd referred to the Buena Vista deed restriction that has been filed and asked how many acres have been restricted.

Mr. Liggett replied that he believes it was 235 acres.

Commissioner McIntosh arrived at the meeting at this time.

Commissioner Ashmun referred to Stafford Township and the status of affordable housing. She noted her concern that not just the commercial component is completed.

Mr. Stokes said that he believes that the landfill may be closed at this point and the project is progressing fairly quickly. He noted that the Commission has an obligation to ensure both commercial and affordable housing projects are completed.

Commissioner Galletta referred to the Management Report the Commission receives every month and suggested that they receive only the most recent developments.

Mr. Stokes said that staff can consider this. He said that one concern is that, if staff just reported on the updates, there are a lot of things that the Commission members would lose track of. He said the report covers what staff is doing, but it also gives the Commission an idea of what staff is not doing.

Commissioner Galletta suggested that maybe it can be done twice a year.

Mr. Stokes said that he will discuss this with Chairperson Wilson.

Commissioner Galletta said that he had attended legislative night with growers in Atlantic County and they expressed an interest in formulating the Agriculture Advisory Committee again. He said that he told them that the Commission had some concerns with ethics and asked if any of this has been resolved.

Mr. Stokes stated that the Agriculture Advisory Committee has been formed. The two items that are of most interest to the Committee are the PDC program and the Forestry Rules. He said that staff will be happy to schedule a meeting but was advised by the Committee that they will next meet when the PDC recommendations are ripe.

Commissioner Galletta asked if anything has happened with the State Ethic Commission.

Mr. Stokes stated that staff has submitted the request for Ethics Commission review; this has been pending for some months now. The Ethics Commission has asked the Attorney General's office to provide some insight as to the Pinelands Protection Act requirements relative to voting and so forth and the Attorney Generals office has not yet provided that information.

Commissioner Ficcaglia referred to the Management Report, indicating that she finds it very helpful that the history of the topics is included.

Chairperson Wilson recognized and thanked Commissioner McIntosh, noting that due to his intervention, the Commission was able to bring the production of the brochure to a close.

Commissioner McIntosh thanked Chairperson Wilson and stated that he will pass that along to the people who really did the work.

Science Committee Meeting

Commissioner McIntosh reported that the Science Committee met on February 8, 2008 and adopted the minutes from the October 12, 2007 meeting. The Committee discussed the estimated costs for FY09 Science Office projects, and Tim Reilly of the USGS briefed the Committee on the results of the investigation into the malfunctioning infiltration basins at the Hammonton sewage treatment plant. The meeting adjourned at 3:10 pm.

Public Comment on Agenda Items

Mr. Carleton Montgomery, Executive Director from the Pinelands Preservation Alliance, commented on the Public Development Application regarding the Forestry and Fire Management Plan, noting his concerns about notice and public participation. He referenced the Forestry Advisory Committee approving the plan in the Executive Director's report stating that it should hold meetings where the public can attend and participate. He noted that it appears that most of it is a fire break through the Stafford Business Park. They are concerned about public lands being used and managed, not specifically for their ecological or recreational purposes, but for fire breaks for development that is either in the wrong place or wasn't properly designed. He said that the plan looks as if it is written to have a very minimal impact just using mechanical means and believes this needs to be clarified in the Commission's discussion.

Mr. Harry Monessen, Pemberton Township, referred to a comment made on commercial start ups and asked that all Commission members remember that this nation is founded upon small business and the freedom to earn a livelihood.

Development Review Matters

Review of Public Development Projects

Mr. Stokes stated that Application Numbers 1981-0837.025, Cape May County Municipal Authority, 1987-1159.028, NJ DEP, Division of Parks and Forestry, 1989-0466.007, NJ DEP, Division of Parks and Forestry, 1996-1387.002, NJ DEP, Division of Parks and Forestry, and 2007-0301.001, Borough of Wrightstown, are applications for public development recommended for approval with conditions.

Commissioner Haas moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1981-0837.025, 1987-1159.028, 1989-0466.007, 1996-1387.002, and 2007-0301.001). (See Resolution #PC4-07-21 attached). Commissioner Tomasello seconded the motion.

Mr. Horner introduced NJDEP members attending the meeting--Maris Gabliks, Chief of the New Jersey Forest Fire Service, Mr. Mike Flormana, Consultant, and, from the New Jersey Forest Service, Jon Klischies, Jim Haase and David Finley.

With respect to the forestry fire fuel reduction plan, Mr. Horner said that the Commission received this morning an aerial photograph which is a graphic depiction of what is proposed in the plan. He asked Karen Young to provide an overview of the plan to the Commission.

Ms. Young said that there are two sand roads in the area--Hay Road which goes from Warren Grove to Stafford Business Park and the larger road called Spur Road. Along these two roads the forest fire service is proposing these fuel breaks. Along Hay Road, they are proposing a 200 foot wide fuel break on the south side. Along Spur Road, there is a 100 foot fuel break proposed along each side. The report talks about what each of those fuel breaks are, the proposed spacing between trees and, how undergrowth will be controlled in order to do the controlled burns. There is another proposal which is rectilinear breaks. She said that these are less intensive and proposed tree spacing a little closer together and they also propose to control undergrowth. There is another area that is proposed for controlled burns or prescribed burns noting that these are not an application to the Commission as the rules provide and the report says that controlled or prescribed burning is not an application to the Commission.

Commission members discussed the misunderstanding resulting from the fire break within the Stafford Business Park.

Ms. Young clarified that this proposal will not stop fires in the area but rather allows for the Forest Fire Service to control them. Secondly, to avoid the fires jumping the Garden State Parkway and jumping Route 72 where Ocean Acres is located.

Commissioner Lloyd asked for clarification on what the Commission is being asked to approve with respect to the 1450 acres.

Ms. Young said that the area that staff is asking the Commission to approve totals 632 acres -- 131 acres along Spur Road and 46 acres along Hay Road and the 325 and 130 acres of rectilinear acres.

Commissioner Lloyd asked if the other areas are not a part of the approval today.

Mr. Stokes replied that is correct noting that the Commission doesn't review or approve prescribed burning.

Commissioner Haas stated that this is the first time that the Commission has had a plan to mitigate fire and complimented the Forest Fire Service for developing this plan, which is for a 10 year period in this particular high hazard area. He thanked the Forest Fire Service on behalf of the County and Stafford and Barnegat Townships.

Commissioner Lee concurred but stated that on the northwest end of Hay Road there is no connection with Route 539. He asked if there is any treatment that can be done there and questioned why it stopped where it did.

Mr. Gabliks said that they have to work with property owners, so they are trying to implement the plan to the best of their ability with property owners with which they can work. He said that this is the first fuel break project that the New Jersey Forest Fire Service is bringing to the Pinelands Commission for approval and it won't be the last. The first plan is the current one on Hay Road. He said that two things occurred in conjunction with this project, first was the issue of Stafford Business Park and the fire that happened. He said that if they had picked a different project to start with they wouldn't have had these issues. He said that they included the prescribed burning within the plan so everyone can get the big picture of what they want to accomplish there. He said that the fuel break will assist them in prescribed burning.

Mr. Flormana referred to Mr. Montgomery's comments and stated that the plan does not have anything to do with the Stafford Business Park fire break. When this plan was drafted, they did a good job in addressing the ecological resources and did it in a way to enhance the ecological values of these lands going forward. The average burning interval that they are expecting is not going to be a short interval burning because these are fairly large areas.

Commissioner Lloyd asked what changes were made to the plan as a result of the Stafford Business Park.

Mr. Flormana replied that the plan was changed because of ownership at Stafford and the extent of the treatment was changed because of the extent of the 15,000-17,000 acre fire.

Commissioner Lloyd asked if the acreage changed as a result of either of those two events.

Mr. Flormana replied yes, noting that the acreage of the linear treatments increased and the acreage of the block treatments decreased.

Commissioner Lee stated that he is interested about the homes that are to the east and northeast of Route 72. He said that at some point the Commission should pay attention to the maintenance of existing rights-of-way. He said that this 200 foot right of way is not being used as a good fire break and it could provide an even better fire break to protect the homes north and east of Route 72 if the existing right of way were maintained. He said that the Commission has an obligation to pay attention to this. He said that this could be said for a road like Route 539 as well; noting that keeping the right-of-way maintained and shoulders clear makes it much easier to control a fire.

Mr. Gabliks said that he totally agrees with Commissioner Lee's comments.

Chairperson Wilson asked if this is part of the Forest Fire Service's planning.

Mr. Gabliks said that they haven't been looking at Route 72 but rather Route 539 because the corridor they are working on is for the east plains which surround the Warren Grove bombing range. He said that this is the fire shed that they have targeted as the highest priority in the State of New Jersey. The next highest fire shed is one to the north which is north of Route 72, along the Route 539 corridor. He said that they will also need to look at Route 72 to see how they can take advantage of the right-of-ways. He said that Commissioner Lee is correct, indicating that in the past these right-of-ways were maintained for fire protection. He said that they need to take a look at these again.

Commissioner Lee said that the State should be paying attention to how one crosses private land with appropriate fire breaks.

Chairperson Wilson commented on references that were made to development that the Commission approved on the north side of Route 70. She said that the Commission had preexisting approvals that it was working within and had to take this into account. In terms of the Stafford Business Park, it raises serious questions, not because of its magnitude, but because of the issues that were raised at the time.

Commissioner Lloyd said that he too feels the Commission has an obligation to protect developments but he believes that when the Commission considers developments in the future, it has to be aware of the impacts that this may have on adjacent public lands and its obligation to use those adjacent public lands for fire safety.

Mr. Stokes said that issue of fire breaks was examined as part of the Stafford Business Park proposal and the Hay Road project called for far greater clearing around the landfill site than what is being proposed here.

The Commission adopted the resolution by a vote of 13 to 0.

Mr. Stokes stated that Application Number 2007-0085.001 is an application for public development recommended for approval with conditions.

Commissioner Witt moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Number 2007-0085.001). (See Resolution #PC4-07-22 attached). Commissioner Tomasello seconded the motion.

The Commission adopted the resolution by a vote of 13 to 0.

Waivers of Strict Compliance

Mr. Stokes stated that Application Number 2007-0031.001 is an application for a waiver of strict compliance recommended for denial.

Commissioner Tomasello moved the adoption of the Resolution Denying an Application for a Waiver of Strict Compliance (Application Number 2007-0031.001). (See Resolution #PC4-07-23 attached). Commissioner Galletta seconded the motion.

The Commission adopted the resolution by a vote of 13 to 0.

Other Development Review Matters

Chairperson Wilson stated that there were two PDC Letters of Interpretation issued this month. The PDC Letters of Interpretation allocated 0.252 PDCs to a total of 0.049 acres.

Resolutions Relating to Municipal Ordinances

Mr. Stokes presented the Resolution Issuing an Order to Certify the January 2008 Stormwater Management Plan and Ordinance 2008-01, Amending the Code of Dennis Township. (See Resolution #PC4-07-24 attached).

Commissioner Brown moved the adoption of the resolution. Commissioner Kennedy seconded the motion. The Commission adopted the resolution by a vote of 12 to 0. Commissioner Lee was not present for the vote.

Mr. Stokes presented the Resolution Issuing an Order to Certify Resolution 2007-04, Adopting the August 2007 Stormwater Management Plan of the Borough of Folsom, and Ordinance 13-2007, Adopting a Stormwater Control Ordinance for the Borough of Folsom. (See Resolution #PC4-07-25 attached).

Commissioner Galletta moved the adoption of the resolution. Commissioner Witt seconded the motion. The Commission adopted the resolution by a vote of 12 to 0. Commissioner Lee was not present for the vote.

Mr. Stokes presented the Resolution Issuing an Order to Certify the April 2007 Stormwater Management Plan and Ordinance 2007-108, Amending the Code of Stafford Township. (See Resolution PC4-07-26 attached).

Commissioner Haas moved the adoption of the resolution. Commissioner Tomasello seconded the motion. The Commission adopted the resolution by a vote of 12 to 0. Commissioner Lee was not present for the vote.

Mr. Stokes presented the Resolution Issuing an Order to Certify the October 2006 Stormwater Management Plan and Ordinance 2007-08, Amending the Code of the Borough of Wrightstown. (See Resolution #PC4-07-27 attached).

Commissioner Kennedy moved the adoption of the resolution. Commissioner Ashmun seconded the motion. The Commission adopted the resolution by a vote of 12 to 0. Commissioner Lee was not present for the vote.

Other Resolutions of the Commission

Mr. Stokes presented the Resolution To Adopt a Revised Fiscal Year 2008 Pinelands Commission Operating Budget. (See Resolution #PC4-07-28 attached).

Commissioner Witt moved the adoption of the resolution. Commissioner Lloyd seconded the motion.

Mr. Stokes stated that the resolution and budget before the Commission today calls for a reduction of expenses as compared to the original budget and also anticipates less revenue than was originally anticipated. This could result in a contribution from the Commission's undesignated fund balance of \$36,600. This is done to insure that there is a balanced budget; however, he does not believe that it will be necessary.

The Commission adopted the resolution by a vote of 13 to 0.

Mr. Stokes presented the Resolution To Authorize the Executive Director to Enter into a New Cooperative Agreement with the National Park Service for Pinelands Monitoring. (See Resolution #PC4-07-29 attached).

Commissioner Ashmun moved the adoption of the resolution. Commissioner Ficcaglia seconded the motion. The Commission adopted the resolution by a vote of 12 to 0. Commissioner Brown was not present for the vote.

Mr. Stokes presented the Resolution To Authorize the Executive Director to Accept a Grant from the U.S. Environmental Protection Agency to Conduct a Study titled "The Effectiveness of Upland Buffer Zones in Mitigating the Impact of Suburbanization on the Integrity of Wetland Communities" (See Resolution #PC4-07-30 attached).

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Haas seconded the motion.

Commissioner Ashmun said that she hopes the Science office will keep a close watch on species movement occurring due to the change in climate. She said that the economic and environmental monitoring programs will be very useful state-wide.

Commissioner Haas said that, in light of what the Commission's budget is going to look like, the Commission certainly appreciates the financial support from the National Park Service.

The Commission adopted the resolution by a vote of 12 to 0. Commissioner Brown was not present for the vote.

Commissioner Lee asked if the allocation between the environmental monitoring and the economic monitoring is the typical split.

Mr. Stokes said that it varies and the work program drives the allocation.

Commissioner Lee said that when the Commission first began the monitoring program, he believes that there was an understanding that the allocations were going to be split roughly 50/50. He said that it is hard to track where the Commission is and where it has been. He said that the only time the Commission talks about these and the prioritization is when it does these resolutions. He said if he is wrong about the allocations he would like to know.

Mr. Stokes said that the initial allocations were expected to be roughly 50/50 but that the work plans actually drive the actual funding ratios.

Ordinances Not Requiring Commission Action

Chairperson Wilson stated that Berlin Borough Ordinance 2006-15, Evesham Township Ordinance 29-12-2007, Mullica Township Ordinance 1-2008, and Mullica Township Ordinance 2-2008 are ordinance amendments that do not raise a substantial issue with regard to the provisions of the Comprehensive Management Plan. The Commission took no action on the ordinance amendments allowing them to take effect.

Public Comment on any Matter Relevant to the Commission's Statutory Responsibilities Other Agenda Items

Mr. Harry Monesson, Pemberton Township, said that since this Commission and the New Jersey Casinos have entered into the people's lives, Pinelands preservation has been weighted heavily against efficient and productive use of private property

Other Agenda Items

Briefing – Fiscal Year 2009 and 2010 Pinelands Commission Finances

Mr. Stokes briefed the Commission on its financial future and provided a preliminary look at fiscal years 2009 and 2010. He distributed copies of his presentation to the Commission. He provided the Commission with some history stating that the state appropriation 13 years ago was

slightly larger than what is being recommended this year (approximately 50,000 more than this year). He set the stage highlighting some notable FY2008 cuts in staffing, pension cost increases, and reduced application fee revenues, all resulting in a lower budget that may require drawing from the Commission's fund balance. He went through key future assumptions and preliminary expense and preliminary revenue projections for FY 2009 and FY 2010. These projections suggest that the Commission may be facing a \$926,000 deficit next year and a \$1,095,000 deficit in FY 2010. He discussed the next steps that should be taken, which includes considering recommendations to increase application fees, investigating other options in revenue and expenses, and continuing to refine projections. He discussed the application fees and compared the fees charged by the Commission versus those of DEP. He went through some key fee recommendations and noted the impact of these over FY2009 and FY 2010. (See presentation attached).

The Commission discussed the recommended increase in application fees, some members were concerned about charging an application fee for those who only wish to build a single family dwelling in which to live. A few members stressed that Towns' local review officers should take more of a lead in reviewing these types of applications.

Mr. Stokes indicated that many towns do not have the hands on experience or knowledge of the regulations to review these applications. He further indicated that staff recently received a letter from one of the towns indicating that they will no longer have a local review officer.

Commissioner Kennedy commented on applications fees and stated that he does not believe that the Commission is using the fees appropriately to direct growth in the right places. He said that it provides a disincentive for development in areas where growth should happen. He said that the Commission is treating people in the Growth Areas the same as people in the Preservation Areas which is fundamentally flawed in his opinion. He said that he feels that the Commission has regulated so much that people and businesses are leaving and people are not building. He asked if staff has considered a fee structure based on making things happen in the areas where the Commission believes they should be.

Mr. Stokes replied yes, but said that one of the things he has kept in mind is that the administration of this must be kept relatively simply and straightforward.

Commissioner Lee stated that there are things that the Commission is not considering, such as duplicative services. He said that this is what the Governor wants everyone to look at. He said that the Commission needs to look to see where there are opportunities to improve the service to applicants and therefore provide a better level of protection to the Pinelands.

Mr. Stokes agreed, indicating that the Commission does need to look at other details and explore all possibilities but these can not all happen at the same time. He stated that as a first step, he will be presenting a proposal on application fees at the next Commission meeting.

Commissioner Lee commented on an application the Commission approved today that was for a 9 X 12 generator pad for the Cape May County MUA. He stated that the Pinelands would be just as well protected if it hadn't had an application for a 9 X 12 generator pad.

Mr. Stokes concurred.

Closed Session Resolution

DAG Haynes read a resolution to retire into closed session to discuss CWA contract negotiation matters.

Commissioner Lloyd moved to retire into closed session. Commissioner Witt seconded the motion. The Commission agreed to retire into closed session by a vote of 10 to 0. Commissioners Ficcaglia and Lloyd were not present for the vote and Commissioner Brown had left the meeting at this time.

Return to Open Session

Chairperson Wilson reopened the public portion of the meeting.

DAG Haynes stated that the Commission was briefed on CWA negotiations in closed session. She indicated that no action was taken by the Commission.

Adjournment

Commissioner Witt moved to adjourn the meeting. Commissioner Galletta seconded the motion. The Commission agreed to adjourn the meeting at 12:55 p.m.

Certified as true and correct:

Nadine B. Young,
Executive Assistant to the Commission

Date: _____